

BEFORE THE
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY OF)
ILLINOIS)
) DOCKET NO.
Petition for a Certificate of) 12-0598
Public Convenience and Necessity)
pursuant to Section 8-406.1 of the)
Illinois Public Utilities Act, and)
an order pursuant to Section 8-503)
of the Public Utilities Act to)
construct, operate and maintain a)
new high voltage electric service)
line and related facilities in the)
Counties of Adams, Brown, Cass,)
Champaign, Christian, Clark,)
Coles, Edgar, Fulton, Macon,)
Montgomery, Morgan, Moultrie,)
Pike, Sangamon, Schuyler, Scott)
and Shelby, Illinois.)

Thursday, January 17, 2013

Springfield, Illinois

Met, pursuant to notice, at 10:30 a.m.

BEFORE :

JOHN YODER & STEPHEN YODER, ALJ

L.A. COURT REPORTERS, LLC, by
Laurel Patkes, Reporter
CSR #084-001340

1 APPEARANCES: (CONT'D.)
2 EDWARD FITZHENRY
1901 Chouteau Ave.
3 P.O. Box 66149, Mail Code 1310
St. Louis, Missouri 63166
4
(Appearing on behalf of
5 Petitioner.)
6 ALBERT STURTEVANT
WHITT STURTEVANT LLP
7 180 N. LaSalle
Suite 2001
8 Chicago, Illinois 60601
9 (Appearing on behalf of
Petitioner.)
10
ANGELA WEIS
11 SIDLEY AUSTIN LLP
One S. Dearborn
12 Chicago, Illinois 60603
13 (Appearing on behalf of Enbridge
Pipelines via teleconference.)
14
ED GOWER
15 HINSHAW & CULBERTSON LLP
400 S. Ninth Street
16 Suite 200
Springfield, Illinois 62701
17
(Appearing on behalf of Stop the
18 Power Lines Coalition, Tarble
Limestone interests and JDL
19 Broadcasting, Inc.)
20 SEAN BRADY
P.O. Box 4072
21 Wheaton, Illinois 60189
22 (Appearing on behalf of Wind on

1 APPEARANCES: (CONT'D.)

2 BRIAN KALB

411 St. Louis Street

3 Edwardsville, Illinois 62025

4 (Appearing on behalf of Adams
County property owners and
5 tenant farmers via
teleconference.)

6

BRADLEY WILSON

7 GATES, WISE & SCHLOSSER, P.C.

1231 S. Eighth Street

8 Springfield, Illinois 62703

9 (Appearing on behalf of Morgan
and Sangamon County property
10 owners and tenant farmers.)

11 EDWARD D. McNAMARA, JR.

JOSEPH H. O'BRIEN

12 931 S. Fourth Street

Springfield, Illinois 62703

13

(Appearing on behalf of
14 Colfax-Scott Land Preservation
Group.)

15

MATTHEW RENTSCHLER

16 Rural King Supply

4216 DeWitt Avenue

17 Mattoon, Illinois 61938

18 (Appearing on behalf of
Timberview Community via
19 teleconference.)

20 MIKE ROONEY

P.O. Box 6034

21 St. Charles, Illinois 60174

22 (Appearing on behalf of Deborah

9

D. Rooney via teleconference.)

1 APPEARANCES: (CONT'D.)

2 FORREST G. KEATON
3 RAMMELKAMP BRADNEY, P.C.
4 232 W. State St.
5 Jacksonville, Illinois 62651

6 (Appearing on behalf of Prairie
7 Power, Inc.)

8 KYLE BARRY
9 McGUIRE WOODS, LLP
10 One North Old Capitol Plaza
11 Suite 410
12 Springfield, Illinois 62701

13 (Appearing on behalf of
14 FutureGen Industrial Alliance,
15 Inc.)

16 JOSEPH L. LAKSHMANAN
17 133 S. Fourth
18 Suite 306
19 Springfield, Illinois 62701

20 (Appearing on behalf of Dynegy
21 Midwest Generation, LLC via
22 teleconference.)

23 CHERYL DANCEY BALOUGH
24 BALOUGH LAW OFFICES, LLC
25 One North LaSalle
26 Suite 1910
27 Chicago, Illinois 60602

28 (Appearing on behalf of the City
29 of Champaign via
30 teleconference.)

1 APPEARANCES: (CONT'D.)

2 CHRISTOPHER N. SKEY
CHRISTOPHER J. TOWNSEND

3 ADAM T. MARGOLIN
QUARLES & BRADY, LLC
4 300 North LaSalle Street
Suite 4000
5 Chicago, Illinois 60654

6 (Appearing on behalf of Nature
Conservancy via teleconference.)

7

KELLY ARMSTRONG
8 MATTHEW HARVEY
160 N. LaSalle Street
9 Suite C-800
Chicago, Illinois 60601

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(Appearing on behalf of staff of
11 the Illinois Commerce Commission
via teleconference.)

12

OWEN MacBRIDE
13 SCHIFF HARDIN
233 S. Wacker Drive
14 Suite 6600
Chicago, Illinois 60606

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(Appearing on behalf of Grain
16 Belt Express Clean Line, LLC via
teleconference.)

17

ERIC ROBERTSON
18 LUEDERS, ROBERTSON & KONZEN
P.O. Box 735
19 1939 Delmar
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(Appearing on behalf of Moultrie
21 County property owners via
teleconference.)

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1 APPEARANCES: (CONT'D.)

2 KIMBERLY W. BOJKO
CARPENTER, LIPPS & LELAND
3 280 Plaza
Suite 1300
4 280 North High Street
Columbus, Ohio 43215

5
-and-

6 COLLEEN CHECK
7 CARPENTER LIPPS & LELAND
180 North LaSalle Street
8 Suite 2640
Chicago, Illinois 60601

9
10 (Appearing on behalf of Midwest
Independent Transmission System
via teleconference.)

11
12 KEVIN MCDERMOTT
109 South Seventh Street
Springfield, Illinois 62701

13
14 (Appearing on behalf of Andrew
and Stacey Robinette.)

15 G. RONALD KESINGER
200 North West Street
16 Jacksonville, Illinois 62650

17 (Appearing on behalf of Mary
Splain via teleconference.)

18
19 DAVID STREICKER
161 North Clark Street
Suite 4200
20 Chicago, Illinois

21 (Appearing on behalf of N. Kohl
Grocer via teleconference.)

22

1 APPEARANCES: (CONT'D.)
2 JOHNNY SNEDEKER
P.O. Box 177
3 Marshall, Illinois 62441
4 -and-
5 JORDAN WALKER
335 Ridgepoint Drive
6 Carmel, Indiana 46032
7 (Appearing on behalf of Clark
County Preservation Committee
8 via teleconference)
9 LORI SPANGLER
P.O. Box 168
10 Marshall, Illinois 62441
11 (Appearing on behalf of JDL
Broadcasting via
12 teleconference.)
13 MARK WEINHEIMER
POL SINELLI SHUGHART
14 105 West Vandalia Street
Suite 400
15 Edwardsville, Illinois 62025
16 (Appearing on behalf of
Christian County property owners
17 via teleconference.)
18 NATHAN RALSTON
1216 Washington Street
19 Beardstown, Illinois 62168
20 (Appearing on behalf of Brian
and Sherry Ralston via
21 teleconference.)
22

1 APPEARANCES: (CONT'D.)

2 BRAD WILSON
GATES, WISE & SCHLOSSER, P.C.
3 1231 S. Eighth
Springfield, Illinois 62703

4
(Appearing on behalf of Morgan
5 and Sangamon County landowners
and tenant farmers via
6 teleconference.)

7 ED GOWER
HINSHAW & CULBERTSON, LLP
8 400 South Ninth Street
Suite 200
9 Springfield, Illinois 62701

10 (Appearing on behalf of certain
Clark County landowners via
11 teleconference.)

12 CHRISTOPHER M. ELLIS
BOLEN, ROBINSON & ELLIS
13 202 South Franklin
Decatur, Illinois 62523

14
(Appearing on behalf of Macon
15 County property owners via
teleconference.)

16
ADAM RAGHEB & MAGDI RAGHEB
17 2502 Jordan Drive
Champaign, Illinois 61822-6815

18
(Appearing on behalf of Ragheb
19 family farm, corporation farm, &
family.)

20
21
22

1 APPEARANCES: (CONT'D.)

2 RICHARD COPELAND

12541 North County Road, 300 East

3 Mattoon, Illinois 61938

4 (Appearing pro se on behalf of
the Copelands.)

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I N D E X

WITNESSES

DIRECT

CROSS

None

EXHIBITS

None.

1 PROCEEDINGS

2 JUDGE YODER: By the authority vested in me by
3 the Illinois Commerce Commission, I will now call
4 Docket 12-0598. This is a petition filed by Ameren
5 Transmission Company of Illinois seeking a
6 certificate of public convenience and necessity
7 pursuant to Section 8-406.1 of the Illinois Public
8 Utilities Act and requesting an order pursuant to
9 Section 8-503 of the Public Utilities Act regarding a
10 transmission line.

11 I will call for the appearances of the
12 parties that have intervened and to keep it hopefully
13 orderly, I will go down the list as they were entered
14 on e-Docket, and whether you're on the phone or one
15 of the other rooms, approach the microphone and
16 indicate your name, address and who you are
17 representing in this matter.

18 Any appearances on behalf of
19 AmerenTransmission Company?

20 MR. FITZHENRY: Yes. Edward Fitzhenry and Eric
21 Dearmont, 1901 Chouteau Avenue, St. Louis, Missouri
22 63103.

1 MR. STURTEVANT: And also appearing on behalf
2 of Ameren Transmission Company, Albert Sturtevant,
3 Whitt Sturtevant LLP, 180 North LaSalle, Suite 2001,
4 Chicago, Illinois 60601.

5 JUDGE YODER: Anyone else for Ameren
6 Transmission?

7 Anyone for staff of the Illinois
8 Commerce Commission?

9 MS. ARMSTRONG: On behalf of staff, Kelly
10 Armstrong and Matthew Harvey, 160 North LaSalle
11 Street, Suite C-800, Chicago, Illinois 60601.

12 JUDGE YODER: All right. Anyone wishing to
13 enter their appearance on behalf of Central Stone
14 Company?

15 Anyone on behalf of Enbridge
16 Pipelines?

17 MS. WHITE: Angela White for Enbridge
18 Pipelines.

19 JUDGE YODER: I'm sorry. Could you repeat
20 that?

21 MS. WHITE: Angela White.

22 JUDGE YODER: And that was for Enbridge?

1 MS. WHITE: Correct.

2 JUDGE YODER: Okay. Anyone wishing to enter
3 their appearance for Prairie Power?

4 MR. KEATON: Yes. Forrest Keaton, 232 West
5 State Street Jacksonville Illinois, P.O. Box 550,
6 62651.

7 JUDGE YODER: Anyone wishing to enter their
8 appearance on behalf of the City of Champaign?

9 MS. DANCEY BALOUGH: Yes. Cheryl Dancey
10 Balough, Balough Law Offices, One North LaSalle,
11 Suite 1910, Chicago, Illinois 60602.

12 JUDGE YODER: Anyone on behalf of FutureGen?

13 MR. BARRY: Yes. Kyle Barry, McGuire Woods,
14 One North Old State Capitol Plaza, Suite 410,
15 Springfield, Illinois 62701.

16 JUDGE YODER: Anyone on behalf of the
17 Bergschneiders?

18 Anyone on behalf of MISO?

19 MS. BOJKO: Yes. Thank you, Your Honor. On
20 behalf of Midwest Independent Transmission System,
21 this is Kimberly W. Bojko with Carpenter Lipps &
22 Leland, 280 North High Street, Suite 1300, Columbus

1 Ohio 43215.

2 MS. CHECK: And Colleen Check, Carpenter Lipps
3 & Leland, 180 North LaSalle Street, Suite 2640,
4 Chicago, Illinois 60601.

5 JUDGE YODER: Anyone on behalf of Wind on the
6 Wires?

7 MR. BRADY: Yes. Good morning. This is Sean
8 Brady with Wind on the Wires. My address is P.O.
9 Box 4072, Wheaton, Illinois 60189, and my phone
10 number is (312) 867-0609.

11 JUDGE YODER: All right. Thank you.
12 Anyone on behalf of Schuyler County
13 property owners?

14 Anyone on behalf of the Village of
15 Mount Zion?

16 Anyone on behalf of the Copelands?

17 MR. COPELAND: Yes. Richard Copeland.

18 JUDGE YODER: State your address. Go ahead and
19 stand up so the court reporter can hear you.

20 MR. COPELAND: 12541 North County Road, 300
21 East, Mattoon, Illinois 61938.

22 JUDGE YODER: Thank you.

1 Anyone on behalf of the Macon County
2 property owners.

3 MR. ELLIS: Yes. Christopher Ellis, 202 South
4 Franklin Street, Decatur, Illinois 62523.

5 JUDGE YODER: All right. Anyone on behalf
6 of...and I apologize if I misstate anything. This
7 was how it was on e-Docket. It says Bakri/Adams
8 County property owner.

9 All right. Anyone on behalf of the
10 Village of Sidney?

11 UNIDENTIFIED SPEAKER: Yes.

12 JUDGE YODER: I'm sorry. On behalf of the
13 Village of Sidney? We didn't get anything.

14 (No response)

15 JUDGE YODER: Okay. We may come back to that
16 one.

17 Stop the Power Lines Coalition?

18 MR. GOWER: Yes, Your Honor. My name is Ed
19 Gower. I'm with the law firm Hinshaw & Culbertson
20 LLP, 400 South Ninth Street, Suite 200, Springfield,
21 Illinois 62701. Phone number is (217) 467-4916.

22 And in the interest of brevity, I also

1 represent the Tarble Limestone interests and JDL
2 Broadcasting, Inc. Thank you, Your Honor.

3 JUDGE YODER: All right. Anyone for Grotenhuis
4 I believe it is?

5 MR. GOWER: That's a member of the Stop the
6 Power Lines Coalition.

7 JUDGE YODER: Thank you.

8 Anyone on behalf of N. Kohl Grocer?

9 MR. STREICKER: Your Honor, David Streicker,
10 Polsinelli Shughart on behalf of N. Kohl, 161 North
11 Clark Street, Chicago.

12 JUDGE YODER: Thank you.

13 Anyone on behalf of the Nature
14 Conservancy?

15 MR. SKEY: Yes, Your Honor. Good morning.
16 This is Christopher Skey (S-k-e-y) on behalf of
17 Nature Conservancy together with Christopher Townsend
18 and Adam Margolin, law firm of Quarles & Brady, 300
19 North LaSalle Street, Chicago, Illinois 60654.
20 Thank you.

21 JUDGE YODER: I might have forgotten to say
22 here Irwin. Anyone from Irwin or Adams County

1 property owners and tenant farmers?

2 MR. KALB: This is Brian Kalb for Adams County
3 property owners and tenant farmers, 411 St. Louis
4 Street, Edwardsville, Illinois 62025.

5 JUDGE YODER: Okay. Thank you.

6 Anyone on behalf of the Morgan County
7 property owners?

8 MR. WILSON: Excuse me. For clarification,
9 it's not Morgan County. It's Morgan and Sangamon
10 County property owners and tenant farmers.

11 JUDGE YODER: That's a different one.

12 COURT REPORTER: And your name, sir?

13 MR. WILSON: Brad Wilson.

14 JUDGE YODER: Clean Line Energy Farmers?

15 MR. MacBRIDE: Yes, Judge. This is Owen
16 MacBride appearing on behalf of Grain Belt Express,
17 LLC. My address is 233 South Wacker Drive, Suite
18 6600, Chicago, Illinois 60606.

19 JUDGE YODER: All right. Thank you.

20 Anyone on behalf of the Western Morgan
21 County Property Owners?

22 Anyone on behalf of Dynegy?

1 MR. LAKSHMANAN: Yes, Your Honor. Joseph L.
2 Lakshmanan, 133 South Fourth Street, Suite 306,
3 Springfield, Illinois 62701.

4 JUDGE YODER: All right. Thank you.

5 Anyone on behalf of the Lockwoods?

6 Anyone on behalf of the Illinois
7 Laborers and Contractors Training Trust Fund?

8 Anyone on behalf of the Mills family?

9 Anyone on behalf of the Colfax-Scott
10 Land Preservation Group?

11 MR. McNAMARA: Judge, Edward D. McNamara, Jr.
12 and Joseph H. O'Brien. We're both attorneys admitted
13 to practice law in the State of Illinois. Our
14 business address is 931 South Fourth Street,
15 Springfield, Illinois 62703, and also in the
16 interest of brevity, we also represent Morgan,
17 Sangamon and Scott Counties Land Preservation Group.

18 MR. GOWER: Your Honor, Ed Gower again. You
19 mentioned the Mills family. Peggy Mills is a member
20 of the Stop the Power Lines Coalition.

21 JUDGE YODER: Okay. Thank you.

22 And on behalf of the Macon County

1 property owners?

2 MR. ELLIS: Yes, Judge. Again, Chris Ellis,
3 202 South Franklin, Decatur, Illinois.

4 JUDGE YODER: All right. Anyone on behalf of
5 the Village of Pawnee?

6 Anyone on behalf of Niemann Foods?

7 There were some other families. If
8 they're one of the coalitions they can indicate.
9 Pearce, Phillips, Ragheb or Ralston, any of those?

10 Anyone on behalf of the Timberview
11 Community?

12 MR. RENTSCHLER: Yes; Matthew Rentschler.
13 Business address, Rural King Supply, 4216 DeWitt
14 Avenue, Mattoon, Illinois. Phone number is
15 (217) 235-7102.

16 JUDGE YODER: Anyone on behalf of the Moultrie
17 County property owners?

18 MR. ROBERTSON: Yes, Your Honor. Eric
19 Robertson, Lueders, Robertson & Konzen, P.O. Box 735,
20 1939 Delmar, Granite City Illinois 62040.

21 JUDGE YODER: Thank you.

22 Also on e-Docket, Rooney. Anyone for

1 them?

2 MR. ROONEY: Yes, Your Honor. Mike Rooney for
3 Deborah D. Rooney. Business address P.O. Box 6034,
4 St. Charles, 60174. Phone number (312) 401-3454.

5 JUDGE YODER: Mr. Rooney, are you an attorney?

6 MR. ROONEY: Yes, sir.

7 JUDGE YODER: All right. Thank you. I needed
8 to check that for the record. Thank you.

9 Anyone on behalf of the Clark County
10 Preservation Committee?

11 MR. SNEDEKER: Yes, Your Honor. Johnny
12 Snedeker, P.O. Box 177, Marshall, Illinois 62441.

13 MR. WALKER: Also, Your Honor, Jordan Walker,
14 335 Ridgepoint Drive, Carmel, Indiana 46032.

15 JUDGE YODER: All right. JDL Broadcasting I
16 believe we've covered.

17 MS. SPANGLER: No. I'm sorry. Lori Spangler,
18 JDL Broadcasting, Post Office Box 168, Marshall,
19 Illinois 62441.

20 JUDGE YODER: Okay. Thank you.

21 Christian County property owners?

22 MR. WEINHEIMER: Mark Weinheimer, Polsinelli

1 Shughart, 105 West Vandalia Street, Suite 400,
2 Edwardsville, Illinois 62025.

3 JUDGE YODER: Thrift & Thompson as shown on
4 e-Docket, anyone for them?

5 MR. RALSTON: Nathan Ralston on behalf of Brian
6 and Sherry Ralston, 1216 Washington Street,
7 Beardstown, Illinois 62168. Phone number
8 (217) 248-8581.

9 JUDGE YODER: Okay. Is there anyone in the
10 hearing room here who has not entered their
11 appearance that I missed?

12 MR. WILSON: Brad Wilson, Gates, Wise &
13 Schlosser, 1231 South Eighth Street, Springfield,
14 Illinois 62703 for the Morgan and Sangamon County
15 property owners and tenant farmers.

16 MR. KESINGER: For Mary Splain, G. Ronald
17 Kesinger, 200 North West Street, Jacksonville,
18 Illinois 62650.

19 JUDGE YODER: Anyone else in the hearing room?

20 MR. RAGHEB: Adam Ragheb, 2502 Jordan Drive,
21 Champaign, Illinois 61822.

22 JUDGE YODER: Have you intervened in this

1 docket?

2 MR. RAGHEB: Yeah, we received the
3 confirmation.

4 MR. RAGHEB: I'm Professor Magdi Ragheb,
5 University of Illinois, Urbana-Champaign.

6 JUDGE YODER: Anyone in Hearing Room B?

7 MR. CORZINE: Leon Corzine, Your Honor,
8 intervening, being represented by Chris Ellis.

9 JUDGE YODER: Anyone on the phone who I missed
10 who wishes to enter their appearance? State the
11 party and your name.

12 MR. ELLIS: Yes, Judge. This is Chris Ellis on
13 behalf of Leon Corzine. He just indicated that, but
14 I wanted to make sure you had that.

15 JUDGE YODER: Go ahead and state your address
16 for the record, please.

17 MR. ELLIS: Sure. Again, it's 202 South
18 Franklin, Decatur, Illinois 62522.

19 MR. McDERMOTT: Judge, Kevin McDermott on
20 behalf of Andrew and Stacey Robinette, and my address
21 is 109 South Seventh Street, Springfield, 62701.

22 JUDGE YODER: Anyone else? Is that it for

1 appearances? All.

2 Right. Thank you.

3 We have two preliminary matters to
4 address.

5 First I'll address is the motion to
6 file instanter by the Stop the Power Lines Coalition.
7 They had filed their response, and for whatever
8 reason, it was not filed on e-Docket, and they had
9 filed a motion as I recall yesterday to file that
10 instanter.

11 Is there any objection?

12 MR. FITZHENRY: No.

13 JUDGE YODER: Thank you.

14 That motion will be granted without
15 objection.

16 Mr. Walker, Jordan Walker, are you
17 still on the phone?

18 MR. WALKER: Yes.

19 JUDGE YODER: Okay. You had also filed a
20 motion for leave to withdraw on behalf of the Clark
21 County Preservation Committee, is that correct?

22 MR. WALKER: Correct.

1 JUDGE YODER: Is there any objection to that?

2 MR. FITZHENRY: No.

3 JUDGE YODER: All right. Then without
4 objection, the motion for leave to withdraw filed by
5 Mr. Walker on behalf of the Clark County Preservation
6 Committee will be granted. Thank you.

7 For those who are in the rooms or
8 perhaps listening on the phone, we'll just briefly go
9 through the process since you've gotten notice here
10 that you were identified on alternates route filed by
11 a party.

12 As indicated, this petition filed by
13 Ameren Transmission Company was filed under Section
14 8-406 of the Public Utilities Act which was enacted
15 in 2008. The statute sets forth an expedited process
16 for handling of these petitions.

17 You may or may not have known that the
18 ALJs have filed, entered a ruling...I'm sorry. Let
19 me start back.

20 The petition was initially filed on
21 November 7th. Ameren filed a motion for leave to add
22 131 property owners that had been missed in the

1 initial notice.

2 Based on that, the ALJs ruled that the
3 complete application was not filed by Ameren
4 Transmission Company until that date, January 7,
5 2013. Therefore, we ruled the deadline was 150 days
6 later.

7 We have also filed a request with the
8 Commission to extend the deadline pursuant to that
9 statute by an additional 75 days which I don't recall
10 the exact date. I think it's August something, but
11 that will be indicated, or Judge Albers can figure it
12 out.

13 JUDGE ALBERS: August 20th.

14 JUDGE YODER: August 20th.

15 The parties should know when Ameren
16 filed its petition in November, it also filed its
17 direct testimony, and since that date, the parties
18 that have intervened and Ameren have engaged in what
19 we call discovery or exchanging of data requests.
20 It's where you file with another party a request for
21 certain information that they have in their
22 possession. You receive those answers. You can use

1 those in preparing your case.

2 Those are not evidence at that point.

3 They are not to be served on the ALJsa.

4 Staff of the Commission also entered
5 their appearance, and they're involved in this
6 proceeding, and they reviewed each party's testimony,
7 and each party will file their own testimony, and
8 then they may make a recommendation of their own or
9 they may support one of the parties' recommendations
10 that they agree with.

11 The parties should know that in a few
12 days we will be setting a schedule, a new schedule in
13 this docket, which will set the deadlines for the
14 filing of testimony by the various parties, and we'll
15 also set a date for the hearing.

16 If you intervene, have already
17 intervened, the filing of this testimony is your
18 opportunity to present your position and inform the
19 Commission what, if anything, should be changed about
20 Ameren Transmission's proposal.

21 If you have not already intervened and
22 wish to do so, you must do so pursuant to 83 Illinois

1 Administrative Code Part 200 which is the
2 Commission's Rules of Practice. Failure to follow
3 those Rules of Practice may result in the clerk
4 rejecting your filing.

5 The procedure will be that after the
6 parties have filed all their testimony, direct or
7 rebuttal testimony, we will have an evidentiary
8 hearing.

9 At that point, the parties enter their
10 evidence into the record, and all the parties have an
11 opportunity to cross-examine their witnesses.

12 Following the evidentiary hearing,
13 each of the parties also has an opportunity to file
14 briefs explaining their position, and then they have
15 an opportunity to file reply briefs which will
16 address the other parties' positions that have filed
17 briefs.

18 Following all of that, the ALJs,
19 myself and Judge Albers, will use these briefs to
20 file a proposed order that is served on the parties,
21 and then they have an opportunity to file what's
22 called briefs on exceptions in which they take

1 exception, or essentially complain about whatever we
2 have decided.

3 In rare cases, parties agree with what
4 we have decided, but the parties also, after those
5 briefs are filed, explain how we did wrong.

6 The other parties then have an
7 opportunity to file a reply brief on exceptions
8 saying we were right the first time maybe.

9 After all that's filed, we prepare a
10 final order that is presented to the Commission.

11 The Commission is composed of five
12 people appointed by the governor. They sit up here
13 and render the final decision on the cases.

14 Judge Albers and I do not make the
15 final decision in these cases.

16 If the parties had not intervened and
17 you wish to do so, you can check with the clerk's
18 office. They will have forms on how to do that. You
19 can look on our Commission's e-Docket. You use the
20 docket of this case, 12-0598. You can look at
21 everything that's been filed. There are numerous,
22 obviously, petitions to intervene in this. You can

1 pull them off and use that as a form.

2 All intervenors in this docket must
3 provide an e-mail address that parties use to
4 exchange information, to provide notices, to send, as
5 in today, a telephone number which you can
6 participate by phone at hearings other than the
7 evidentiary hearing.

8 As indicated, we will be setting a
9 schedule going forward in this process. Ameren has
10 filed their direct testimony already.

11 The next process would be for the
12 staff and intervenors to file their direct testimony.

13 I'm sure we will have rebuttal
14 testimony from Ameren, and we may have rounds of
15 testimony beyond that.

16 So at this point, I think that
17 explains everything.

18 Is there anything Judge Albers wishes
19 to further explain or elucidate on?

20 JUDGE ALBERS: No.

21 JUDGE YODER: Are there any questions from any
22 of the parties here in Hearing Room A? We'll start

1 here. Does anyone have a question?

2 Mr. Fitzhenry.

3 MR. FITZHENRY: Because the other attorneys
4 will ask the question, I'll do this for them.

5 Are you anticipating extending or
6 moving the February 11th date beyond February 11th?

7 JUDGE YODER: That was the date for the filing
8 of the first testimony?

9 MR. FITZHENRY: Correct.

10 JUDGE YODER: I anticipate that, yes.

11 MR. FITZHENRY: All right. Thank you.

12 JUDGE YODER: I anticipate we'll have to look
13 at it. You know, it may be a different schedule than
14 how we had with the direct, and then staff and
15 intervenors rebutting each other and then Ameren
16 having the final rebuttal.

17 To clarify, Ameren is the party who
18 filed this petition. Ameren has the burden of proof.
19 That means when filing testimony, Ameren goes first
20 and has the opportunity to go last.

21 At the evidentiary hearing, Ameren
22 also has the opportunity to present first and, in

1 essence, cross-examine last on the various parties.

2 That will hopefully become more clear
3 at the hearing.

4 MR. GOWER: Your Honor, with respect to the
5 revised case management order that you contemplate
6 issuing, would that be issued after the Commission
7 rules on the 24th?

8 JUDGE YODER: Probably, yes. That's next
9 Thursday. We've indicated we have asked the
10 Commission pursuant to Section 8-406.1 which provides
11 for the Commission to extend the deadline by 75 days,
12 we've asked them to grant that.

13 If they grant that on Thursday, I
14 anticipate we'll enter the schedule and send it out
15 on Friday taking that into account.

16 Any other questions in Hearing Room A?

17 MR. RAGHEB: Adam Ragheb.

18 In respect to the filing date change
19 from November 7th to January 7th, do you anticipate
20 that will move the deadline for filing alternate
21 route proposals past December 31st?

22 JUDGE YODER: It will for the parties who are

1 affected by the primary or alternate routes, yes,
2 anticipate setting a new date for that.

3 MR. RAGHEB: And I've noticed, Your Honor...

4 MR. SKEY: Your Honor, this is Chris Skey on
5 the phone. I'm sorry. We couldn't hear the
6 question.

7 Would you mind repeating that for us?

8 JUDGE YODER: Sure. He inquired whether there
9 would be an additional opportunity for parties to
10 file an alternate route who maybe intervened after
11 December 31st or were unable to get their alternate
12 route filed and the parties identified before
13 December 31st.

14 MR. SKEY: Thank you.

15 MR. RAGHEB: And I've noticed a lot of other
16 parties have filed their alternate route proposals
17 through e-Docket.

18 I'm assuming that's the first step.
19 What needs to be done after that?

20 JUDGE YODER: Everything ends up on e-Docket.
21 I'm trying to explain this. You can only directly
22 file on e-Docket if you have signed up with the

1 clerk's office and gotten a password and everything.

2 When we set the deadline for that, you
3 will identify the route with a map and show all
4 affected property owners by what you are proposing.
5 You have to have their name and their address because
6 they will have to be given notice that you have now
7 suggested that the route go and affect them.

8 Then we'll have to have, like today,
9 another status hearing to give them notice of their
10 process and get them their date to file any
11 testimony.

12 So you would mail that to the clerk's
13 office with your certificate of service and send it
14 to everyone who is of record.

15 MR. RAGHEB: Thank you.

16 (Interruption in proceedings.)

17 JUDGE YODER: We'll go off the record for a
18 second while the police band is responded to or
19 whatever that is.

20 (Pause in proceedings)

21 MR. McNAMARA: Judge, there are a number of
22 unincorporated associations that have intervened. If
109

1 new landowners join one of those associations, do you
2 want amended petitions filed or some indication filed
3 that we have additional clients or not, or can they
4 appear and present testimony if they're joining an
5 existing unincorporated association?

6 JUDGE YODER: Yes, I think you would. You
7 would need to at least file a notice with the parties
8 that an additional party has joined that. File it as
9 a supplemental petition.

10 MR. McNAMARA: Okay. Supplemental petition to
11 intervene, and then the Commission will act on that
12 or you just want a notice?

13 JUDGE YODER: If there's a problem, we should
14 probably caption it an amended petition or set your
15 list of parties and indicate on the new parties what
16 their interest is in this docket.

17 MR. McNAMARA: An amended petition to
18 intervene.

19 Thank you.

20 JUDGE YODER: Anything else in Hearing Room A?

21 Anything in Hearing Room B, any
22 questions? If you have one, approach the microphone

1 and identify yourself.

2 I don't think any of the other hearing
3 rooms are being used but if there are...

4 Okay. If there's nothing else, we
5 will continue this matter generally.

6 MR. ROBERTSON: Your Honor, this is Eric
7 Robertson. I had one question. I just wanted to
8 clarify something.

9 JUDGE YODER: Yes, Mr. Robertson.

10 MR. ROBERTSON: When you were asking people to
11 identify alternative routes, if they are going to
12 support a route that has already been proposed by the
13 company or other parties, I assume there is no need
14 for them to identify that again as a route they are
15 going to support or propose?

16 JUDGE YODER: No. If it's a route that has
17 already been identified, they do not need to identify
18 that. Whatever deadline we give, they can indicate
19 that in their testimony if there's a route that has
20 already been identified that they support.

21 MR. ROBERTSON: Thank you.

22 MR. SKEY: Your Honor, this is Chris Skey.

1 Just one more question.

2 JUDGE YODER: Yes Mr. Skey.

3 MR. SKEY: Your Honors in this instance are not
4 asking the parties to make any filings with
5 suggestions about a revised case schedule yet, is
6 that correct?

7 JUDGE YODER: Correct.

8 MR. SKEY: All right. Thank you.

9 JUDGE YODER: All right. Mr. McNamara?

10 MR. McNAMARA: If I'm correct, if an intervenor
11 is supporting even another intervenor's alternate
12 route, we don't have to come forward with our
13 alternate route and our names of landowners. We just
14 reference the other proposal and that we support it.

15 JUDGE YODER: Right, and I don't believe you
16 would need to do that by whatever deadline is set for
17 identifying alternate routes. I think you could
18 identify that in your testimony.

19 MR. McNAMARA: If someone is proposing an
20 alternate route where the landowners have already
21 been notified but it is a slight deviation, do we
22 have to give you a list of landowners for that?

1 JUDGE YODER: Yes. I mean, if it is not the
2 exact same route that you're supporting, then you
3 would need to identify it.

4 MR. McNAMARA: And what about the
5 identification of landowners if they've already been
6 notified.

7 JUDGE YODER: Yes. The parties who have filed
8 have indicated in most instances that they have -- if
9 it's say going down one side of a farm instead of the
10 another and they've already been noticed, yes, still
11 identify because they will still need to know that
12 you're wanting to move it somewhere on their property
13 to another part of their property. They may be happy
14 where it is proposed to go now and not happy where
15 you might want it to go, so yes.

16 Anything else?

17 All right. If there's nothing else,
18 we will continue this generally and anticipate an
19 amended case management order next Friday.

20 (Whereupon the hearing was
21 continued generally)
22